

### **REMARKS**

A first Office Action was mailed on May 4, 2004. Claims 1 – 10 are currently pending in the application. With this response, Applicant amends claims 8 and 9 to better conform to accepted claiming practice for computer-related inventions, and amends claim 10 to better clarify the nature of Applicant's invention. No new matter is introduced.

### **ACKNOWLEDGEMENT OF INFORMATION DISCLOSURE STATEMENT**

Applicant thanks the Examiner for acknowledging Applicant's Information Disclosure Statement (IDS) mailed January 20, 2004, including the Examiner's indication that the references disclosed by this IDS have been considered. Applicant also mailed a prior IDS on November 19, 2002, which upon information and belief has been recorded as received on November 25, 2002 is the U.S. Patent & Trademark Office (USPTO) PAIR file history. Upon information and belief, Applicant has to date received no indication from the USPTO that the November 25, 2002 IDS has been considered.

Applicant respectfully requests that the Examiner provide a formal acknowledgement of the November 19, 2002 IDS, including an indication that the references disclosed by this IDS have been considered by the Examiner.

### **REJECTION UNDER 35 U.S.C. § 103**

Claims 1 - 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,923,016 to Fredregill et al. in view of U.S. Patent No. 5,774,870 to Storey. Applicant amends claim 10 to further clarify the nature of his invention, and respectfully traverses this rejection.

In independent claims 1 and 7 – 10, Applicant discloses method, apparatus, and computer-readable storage medium for processing an order of commodity transaction from a commodity ordering apparatus through a network, the method comprising the steps of: a) storing commodity information including at least a name and a selling price for a commodity that is an object of a transaction, b) storing periods applied respectively to specific commodities and specific parameters concerning economic return, applied to the commodities when the periods include dates relating to orders of the commodities, c) storing a general purpose parameter concerning economic return, to be applied when periods do not include dates relating to orders of commodities, d) and displaying, in response to a request, information on specific commodities, applicable periods, specific parameters and the general purpose apparatus on a commodity ordering apparatus.

Fredregill discloses an in-store points redemption system and method allowing a consumer to accumulate transaction points in response to in-store purchases, where the points are accumulated in a database and made available for redemption with regard to subsequent in-store purchases (see, e.g., the abstract of Fredregill). The Examiner acknowledges that Fredregill fails to disclose Applicant's claimed "periods applied respectively to specific commodities", and cites Storey for this purpose.

Storey discloses an on-line interactive frequency award program that provides for accumulation of award points which may be redeemed against an award (see, e.g., abstract of Storey). Storey discloses that eligibility for certain award programs may depend on the accumulation of a specified number of points during a specified time period (see, e.g., column 4, lines 11 – 25 of Storey). Storey also discloses that points required for redeeming specific awards may be reduced during specified time periods (see, e.g., column 5, lines 52 – 63 of Storey).

However, unlike Applicant's claimed invention, Storey fails to disclose or suggest that a rate of earning points (i.e., "specific parameter concerning economic return") may be applied to specific commodities purchased within specific time periods. Storey also fails to specifically describe Applicant's claimed "general-purpose parameter" specifying a point-earning rate for non-specific commodity purchases and specified commodity purchases made outside of the specific time periods.

Arguably, Fredregill discloses a parameter concerning an economic return that generally applies to purchases (see, e.g., column 5, lines 1 – 17 of Fredregill, illustrating point calculation based on total dollar amount of items purchased), and discloses a parameter concerning an economic return for specific commodities (see, e.g., column 4, lines 25 – 46 of Fredregill, describing item-specific bonus point awards). However, unlike Applicant's claimed invention, Fredregill in combination with Storey still fails to disclose or otherwise suggest Applicant's specific parameters applied in a limited manner only to specific commodities during specific time periods and in lieu of applying a general parameter concerning economic return. As disclosed by Fredregill, for example, bonus points are awarded in addition to rather than in lieu of regular points.

As Ichimura fails to teach or suggest Applicant's claimed invention, Applicant respectfully submits that claims 1, 2, 4, 5 and 6 fail are allowable.

## CONCLUSION

An earnest effort has been made to be fully responsive to the Examiner's objections. In view of the above amendments and remarks, it is believed that claims 1 – 10, including independent claims 1 and 7 – 10, and the claims dependent therefrom are in condition for allowance. Passage of this case to allowance is earnestly solicited. However, if for any reason

the Examiner should consider this application not to be in condition for allowance, he is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged on Deposit Account 50-1290.

Respectfully submitted,



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